

ARIZONA ATTORNEY GENERAL'S OFFICE

To receive a complete listing of Victims' Rights in Arizona, or if you have any questions, or if you wish to file a complaint, contact the Attorney General's Office at (602) 542-4911 or visit their Website at www.azag.gov/victim_services/



City Prosecutor's Office Victim Services

250 East 1st Avenue, Suite 222
P.O. Box 1466
Mesa, Arizona 85211-1466
(480) 644-2188
"Se habla español"

Victim Information Pamphlet

"A MUST READ Guide to
Essential Victim Information"



Revised March, 2014



Folleto está disponible en español.
(480) 644-2188



Table of Contents:

Mission and Vision	3
About Our Office & Directions	4
Who is a Victim?	5
Arizona Victims' Bill of Rights	6
How to Invoke Your Rights	7
Need Assistance?	8
Sharing of Information	9
Sentencing Guidelines	10
Case Flow Chart	11
Jail Information	12
Important Resource Information	13
What is Domestic Violence	14
Orders of Protection/Injunctions	15
Safety Planning	16-17
Elder Abuse Information	18
Resources for Battered Immigrant Women	19
Definitions	20-21
Right to Leave Work	22
Victim Compensation/ Civil Remedies	23
Right to Be Heard	24
Victim Impact Statement Example	25
Restitution Information & Form	26-27

INVOKE YOUR RIGHTS

Complete the following form and return it in the self-addressed stamped envelope.

- ☐ Notify me of the date, time and location of each court event hearing for the defendant.
- ☐ Keep my address confidential.
- ☐ Restitution is requested

Name

Address

Phone

Docket no.

REQUEST RESTITUTION

- Property Damage \$ _____
- Vehicle Damage \$ _____
- Medical Bills \$ _____
- Lost Wages \$ _____
- Travel to court \$ _____
- Other \$ _____
- SUB-TOTAL** (Add 1-6) \$ _____
- Insurance Paid \$ _____
- TOTAL** Sub-total (-) no. 7 \$ _____

Criminal restitution covers out-of-pocket expenses only. Expenses covered by insurance, pain and suffering, and other related losses are not eligible. Please refer to page 23 for other civil remedies.



Important: If restitution is awarded, you must keep the court informed of any change of address to ensure receipt of all restitution payments.

Have you suffered economic loss?

If you have suffered economic loss as a direct result of this crime, there are several financial options that may be available to you to help recover your loss.



Restitution

The State does not represent the person who has suffered economic loss, but may present evidence or information relevant to the issue of restitution to the court.

If you have incurred out-of-pocket expenses as a direct result of this crime, you may be eligible to request restitution. Expenses may include, but is not limited to:

- Repairs to damaged property or replacement costs
- Medical and/or dental bills
- Lost wages
- Transportation to and from court hearings
- Counseling
- Funeral Expenses
- Crime Scene Clean up

If you believe you have eligible expenses, complete the front and back of the form on the next page. Tear off on the perforated line, and mail to the Mesa City Prosecutor's Office with supporting documentation in the self-addressed stamped envelope provided.

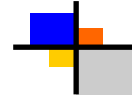
DOCUMENTS REQUIRED

Provide supporting documentation as soon as possible; this may include pay stubs, receipts, invoices, estimates, etc.

Restitution Liens

After a judgment of guilt is entered and the defendant is sentenced and ordered to pay restitution, a restitution payee can file a restitution lien. A restitution lien is notice to all persons dealing with the defendant and/or the defendant's property listed in the lien of the restitution payee's claim for restitution. The state or any person entitled to restitution pursuant to a court order may file a restitution lien.

For more information on restitution liens, including sample forms and the filing process, please contact Victim Services (480) 644-2188.



Mission:

"We are committed to ensure that crime victims are notified and supported throughout the criminal justice process."

Vision:

"To increase awareness of rights and services to victims."



IMPORTANT

Please notify Victim Services (480) 644-2188 of any change of address or contact information. Failure to do so will constitute a waiver of your right to receive notification in this case (see pp. 6-7).

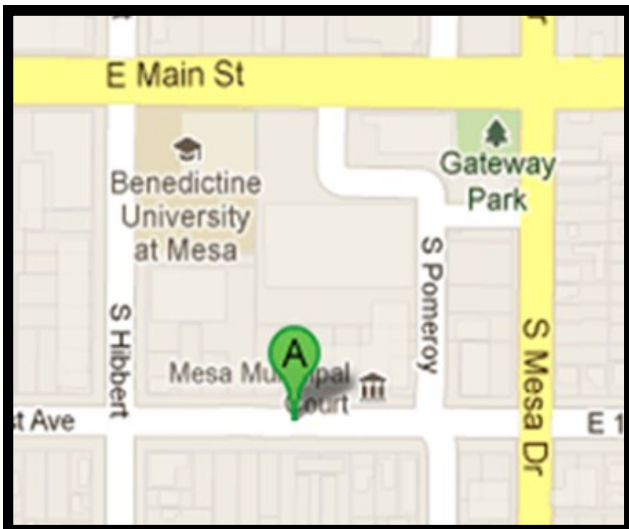
About Our Office

We are a prosecutorial agency that has delivered services to victims in the City of Mesa since 1991. Our purpose is to provide mandated, direct and court-related services to victims of misdemeanor crimes, petty offenses and violations of local criminal ordinances that occur within the City of Mesa. Our Victim Services staff is committed to ensure that crime victims are supported throughout the criminal justice process; and it is our responsibility to increase the victim's awareness of the rights and services available to them.

Crime victims or their family members can contact our victim services staff in-person Monday through Thursday from 7:00 a.m. to 6:00 p.m. at 250 East 1st Avenue, Suite 222 - Mesa, Arizona or by phone at (480) 644-2188. They can also reach us by mail at the same address listed above.

Mesa Municipal Court Building Directions and Parking

From the US 60, exit north onto Mesa Drive, drive approximately 2 miles and turn left at 1st Avenue. The Mesa Municipal Court will be located on the north side of the street. Turn right onto Pomeroy and park in the parking garage located directly behind the court building on the ground level. Parking is free.



EXAMPLE STATEMENT

Your name:
Defendant's name:
Court Docket Number:

VICTIM IMPACT STATEMENT

Dear Judge:

As a victim in this case, I respectfully request that you take the following into consideration when you sentence this defendant.

(Write about any of the following paragraphs that apply to you.)

1. This is what the defendant did to me and/or my property (extent of physical harm and/or property loss):
2. This is how the crime has impacted me and/or my family (extent of emotional harm):
3. This is how the crime affected my ability to earn a living (extent of economic loss, need for restitution, compensation already received):
4. This is the type of punishment the Court should impose on the defendant:

(In order to ensure your privacy, please include your consent for this statement to be provided to the court and/or the defense in order for it to be considered)

I consent for my statement to be used for the purposes of sentencing and understand that copies may be made available to the court and the defense.

(Sign and date your statement)

RIGHT TO BE HEARD

As a crime victim, you have the right to be heard at any criminal proceeding regarding:

- Release conditions
- Plea negotiations
- Sentencing

One of the most important rights you have is to let the Court know, prior to sentencing, how the crime has affected you and your family. You can invoke your right to be heard by:

1.) Appearing in person

- You may appear in-person at any criminal proceeding where the defendant has a right to appear
- Your opportunity to be heard by the court will be granted just prior to sentencing or decisions on release conditions if the defendant is in-custody
- A defendant may be sentenced at any court hearing
- Court dates and times are subject to change so please verify the date and time just prior to appearing
- Notify the prosecutors office if you plan to appear and want to be heard

2.) Submitting a Victim Impact Statement in writing

A Victim Impact Statement helps to ensure your right to be heard even if you cannot personally appear at sentencing. This is especially important because a defendant may plead and be sentenced at any court setting.

Please use the example on the next page as a guide for writing your personal Victim Impact Statement.

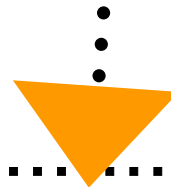
IMPORTANT NOTICE



Your Victim Impact Statement will be reviewed by the prosecutor, a copy sent to the Court for the judge to review, and a copy disclosed (or sent) to the defendant or his/her attorney upon request.

This pamphlet is a brief guide through the criminal justice system designed to provide you with information about your rights as a victim. It also contains essential information so that you may take advantage of the various services available to you.

If you are requesting restitution, invoking your rights as a victim, or want to provide the Court with a Victim Impact Statement, please refer to the back of this pamphlet for forms and information.



WHO IS A VICTIM UNDER THE ARIZONA CONSTITUTION?

“Victim” means a person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person's spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused. A.R.S. §13-4401.19

Victims' Bill of Rights

Victims of crime and delinquency in the State of Arizona have a number of rights guaranteed by the State Constitution, including a right:



1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings when the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing.
5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
6. To confer with the prosecutor, after charges have been filed, before trial, or before any disposition of the case, and to be informed of the disposition.
7. To receive a copy of the Presentence Report relating to the crime, when it is available to the defendant.
8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
10. To a speedy trial or disposition, and prompt and final conclusion of the case after the conviction and sentence.
11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the Legislature to ensure the protection of these rights.
12. To be informed of victims' constitutional rights.

-Arizona Constitution Article II, Section 2.1-

ARIZONA ATTORNEY GENERAL'S OFFICE

To receive a complete listing of Victims' Rights in Arizona, contact the Attorney General's Office at (602) 542-4911 or visit their Website at www.azag.gov/victim_services/

Right to Petition the Court to Revoke Bond or Personal Recognizance

The victim may petition the court to revoke the bond or personal recognizance of the defendant based on the victim's notarized statement asserting that harassment, threats, physical violence or intimidation against the victim or the victim's immediate family by the defendant or on behalf of the defendant has occurred.

A.R.S. §13-4432 Motion to revoke bond or personal recognizance



Victim Compensation Program

As a victim of a crime committed in Maricopa County, you may be eligible for victim compensation, which is a fund used to assist with the financial expenses incurred as a result of the crime. Eligible expenses for which compensation may be available include:

- Medical/Dental Expenses
- Funeral Expenses
- Lost Wages
- Mental Health Counseling
- Crime Scene Clean-up

For a list of eligibility requirements, more information regarding victim compensation and/or assistance in filing a claim for compensation, please contact Victim Services at the Mesa City Prosecutor's Office at 480-644-2188 or the Maricopa County Attorney's Office Victim Compensation Bureau at 602-506-4955.

Other Civil Remedies

- Restitution Liens (A.R.S. §13-806)
- Civil Actions (A.R.S. §13-807)
- Garnishment (A.R.S. §13-812)

Right to Leave Work

As a victim in a case you have the right to be present for all court hearings and proceedings. If *eligible**, you have the right to leave work to:

- Attend court proceedings
- Obtain or attempt to obtain an order of protection or injunction against harassment

An employer may not dismiss you because you chose to exercise these rights, and must keep any information provided confidential. You are required to provide your employer a copy of the victims' rights form provided by the law enforcement agency, and/or a copy of the notice of each scheduled proceeding provided to the victim by the court.

**Employers who have fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year shall allow an employee who is a victim of a crime to leave work to exercise the employees' right to be present at proceedings.*

For detailed information about this right, please refer to A.R.S. §13-4439 at:

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>



How to Invoke Your Rights:



To receive notices of criminal proceedings:

1. Complete the Victims' Rights Request/Waiver form provided by law enforcement, or
2. Contact our office by phone or in person and request to invoke verbally, or
3. Fill out the first half of the form located on the last page of this pamphlet and mail it to our office in the self-addressed stamped envelope provided.

****Invoking this right notifies the state that you wish to receive information on upcoming court dates and other status updates in the case. It does not indicate to the state whether you are for or against prosecution of the defendant.**



To waive your rights to receive notices:

1. Complete the Victims' Rights Request/Waiver form provided by law enforcement, or
2. Contact our office by phone or in-person and request to waive your rights verbally.

****If you choose to waive your rights, you will not receive any further notices from our office. However, if you wish to Invoke your rights in the future, you may do so by following the instructions to invoke above. Even if you waive your rights, you may receive a subpoena to appear in court if the case is set to trial.**



To request restitution:

The State does not represent the person who suffered economic loss, but may present evidence or information relevant to the issue of restitution to the court for consideration.

Restitution may be requested for expenses incurred as a direct result of the crime. It may include, but is not limited to: repairs to damaged property or replacement costs, medical/dental bills, lost wages, transportation expenses to and from court hearings, etc. Any expenses covered by insurance should be subtracted. To request restitution:

1. Fill out the bottom portion of the form located on the last page of this pamphlet, and
2. Make copies of any bills, receipts or estimates to validate your claim, and
3. Mail the form and the copies in the self-addressed stamped envelope provided.

Some expenses may be eligible for the Victim Compensation Program, see page 23 for more details.



To confer with the prosecutor:

Contact our office by phone (480) 644-2188 or in-person to request to consult with a prosecutor regarding your case.

Need Assistance?

Victim Services Assistants are available Monday through Thursday from 7:00 a.m. to 6:00 p.m. to:

- ◇ Discuss and answer questions regarding your Arizona Constitutional Rights as a victim
- ◇ Assist you in invoking your rights
- ◇ Explain the criminal justice process
- ◇ Provide information and updates relating to your case
- ◇ Assist with victim related paperwork
- ◇ Provide an escort to court proceedings upon request
- ◇ Provide support throughout the criminal justice process
- ◇ Provide information, referral & connections to resources available in the community
- ◇ Assist in the use of the Victim Safe Room, upon request

Discussing the Facts of the Case

Victim Services Assistants are available to help you through the entire criminal justice process. However, they can only provide and discuss limited information about the facts and details of the case. If you wish to provide additional information or discuss detailed facts about the case, please request to speak with the prosecutor assigned to your case.

MISDEMEANOR: a criminal charge that can be punishable by a fine and/or carries a maximum incarceration of six months in the county jail.

MOTION: a request by the State or defendant for the Court to take a specific action on a case.

NO CONTEST PLEA: a plea entered in which the defendant neither admits guilt nor disputes the facts presented by the State.

NOT GUILTY: a plea entered by the defendant in which he/she denies committing the crime alleged against him/her.

PLEA AGREEMENT: the process in which the defendant and the State reach a mutual agreement for the defendant to plead guilty or no contest, eliminating the need for a trial.

PRE-TRIAL CONFERENCE: a hearing set by the Court for the defendant and the State to discuss possible resolutions of the case, file motions with the Court, request discovery, etc.

PROBABLE CAUSE: the level of proof that the State must overcome in order to file criminal charges against a defendant.

PROSECUTOR: the attorney representing the State in a criminal matter.

RESTITUTION: amount of money determined by the Court that the defendant is ordered to pay to victim(s) as a result of his/her crime.

SENTENCE: the punishment determined by the Court for a defendant that has been found guilty of (or pleads no contest to) a criminal offense.

SUBPOENA: a written order issued to a person that requires their presence to give testimony to the Court.

TRIAL: a judicial examination, either civil or criminal, before a court that has proper jurisdiction.



DEFINITIONS

APPEAL: after conviction, a defendant may make a formal request to a higher Court for review of a lower Court's decision in order to determine if all the defendant's rights were observed and that the law and procedures were followed.

ARRAIGNMENT: initial hearing in which the defendant is informed of the charges being brought against him/her by the State, and enters a plea to the Court.

ARREST WARRANT: a written order issued by the Court, based on a criminal complaint, that commands law enforcement to arrest and bring a defendant before the Court.

BOND/BAIL: the amount of money the Court decides a defendant must pay in order to be released from custody and insure his/her appearance at the next court hearing.

DEFENDANT: the person that has been accused of committing a criminal offense and the State has filed charges against.

DEPOSITION: an interview with the defendant and/or his/her attorney that is recorded and may be used in court.

DISCOVERY: the evidence that the defendant and the State share with each other and intend to present at trial.

DISPOSITION: the final outcome of charges against the defendant.

GUILTY: either a plea that is entered by the defendant when he/she admits to committing the crime or the verdict determined by a judge or jury showing that the State had proven beyond a reasonable doubt that the defendant committed the crime.

LONG FORM SUBMITTAL: request for criminal complaint(s) the Police Department provides to the City Prosecutor's Office for review and charging.

Sharing of Information

Please Be Advised

YOUR CONSENT TO DISCLOSE

We will share communication between you and the Victim Services Assistant assigned to your case with the prosecutor throughout the course of the case. It is assumed that you consent (give permission) for all information provided to the Victim Services Assistant to be forwarded to the prosecutor for review in your case.

DISCLOSURE TO DEFENSE

If the prosecutor determines that the information you provided contains information that is required by law to be disclosed (provided a copy) to the defendant and/or their defense attorney, it will be copied and sent to them upon request.

REQUEST FOR CONFIDENTIALITY

If you do not want some or all of the information or details you provide to be disclosed, you must indicate to the Victim Services Assistant that you desire the information to remain confidential. This means that it will not be shared with the prosecutor, the judge, or the defense.

QUESTIONS

If you have any questions regarding the information on this page, please contact Victim Services at (480) 644-2188 .



Maximum Sentencing Guidelines for Misdemeanor Offenses:

Class 1 Misdemeanor

- 3 years unsupervised (summary) probation
- \$2,500 Fine, Surcharge, and User Fees
- 180 days in Jail

Class 2 Misdemeanor

- 2 years unsupervised (summary) probation
- \$750 Fine
- 120 days in Jail

Class 3 Misdemeanor

- 1 year unsupervised (summary) probation
- \$500 Fine
- 30 days in Jail

OBTAINING A COPY OF THE POLICE REPORT

A victim, as defined in A.R.S. §13-4401.19 (see page 5) may be eligible to obtain a FREE copy of the police report. For more information please contact:

Mesa Police Department - Records

(480) 644-2310

<http://www.mesaaz.gov/police/records/>

RESOURCES FOR BATTERED IMMIGRANT WOMEN

Centro de Amistad, Incorporado

Mesa: 480-833-0227

Chicanos Por La Causa / De Colores

Phoenix: 602-269-1515

United States Citizenship & Immigration

Services (USCIS)

1-800-375-5283



Elder Abuse Information

Elder abuse is the physical, negligent, psychological, and financial harm done against a person over the age of 65.

Often the abuse is committed by the person that is providing the day-to-day care.

Examples of elder abuse includes
(but is not limited to):

- Intentional infliction of injury, and/or sexual abuse
- Injuries due to neglect of care such as bedsores, malnutrition or dehydration
- Emotional abuse such as ridiculing, derogatory remarks, threats, or harassment
- Financial exploitation: sudden inability to pay bills, confusion or no knowledge of finances, unprecedented transfer of assets to others

If you feel that you or someone you know is a victim of elder abuse, or you would like further information on the subject, please contact:

Mesa City Prosecutor's Office
Victim Services
480-644-2188

Or these agencies dedicated to Elder Abuse Prevention:

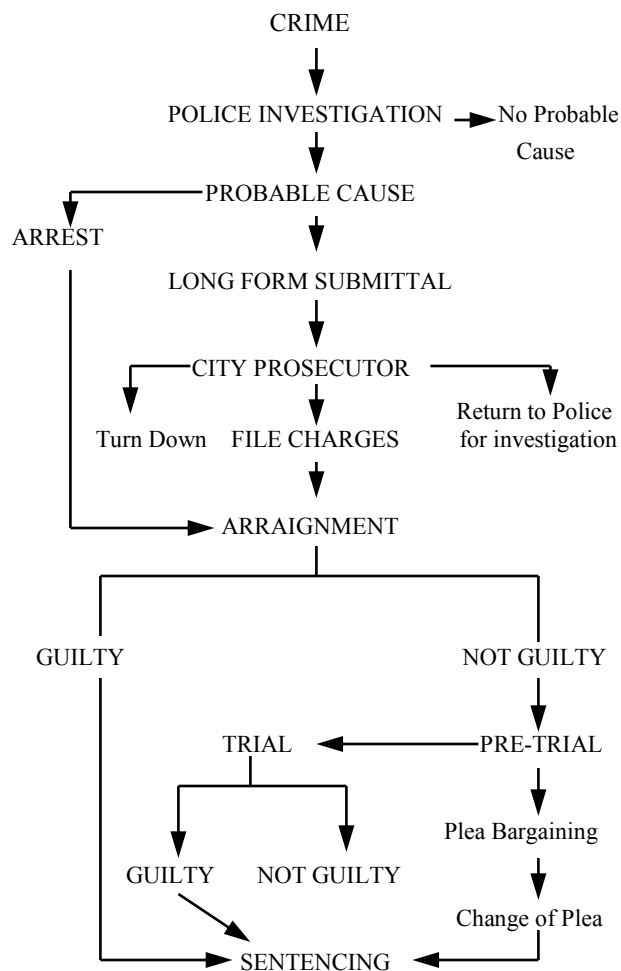
Area Agency on Aging
602-264-4357

Adult Protective Services Hotline
1-877-767-2385

Arizona Department of Health Services
602-364-2536



Case Flow Chart for Misdemeanor Offenses in the City of Mesa





IS THE DEFENDANT IN JAIL?

TO CONFIRM:

If the defendant is being held at the Mesa City Jail, please call (480) 644-2211.

If the defendant is incarcerated at the Maricopa County Sheriff's Jail facility, please call (602) 876-8276.

TRANSPORTATION FROM JAIL TO COURT

If the defendant is being held on a Mesa Municipal Court case, the defendant will be transported from the county jail to the Mesa City Holding Facility to be seen by a Mesa Municipal Court judge.

If the defendant is being held for a court other than Mesa Municipal Court, the defendant *may* need to notify the Mesa Municipal Court in order to be transported. If the court is aware of the defendant's incarceration, the court will schedule the defendant to be transported.

THE COURT DATE TIME MAY CHANGE

All inmates transported from Maricopa County Jail Facility will be heard in the morning, regardless of the scheduled time to appear on the court date notice and any letters received. Mesa warrants and new Mesa arrests that can be seen by the prosecutor will also be heard in the morning.

PLEASE CALL TO CONFIRM (480) 644-2188

Please call our office the morning of the hearing to confirm that the defendant was transported. They will be seen between 8:30 a.m. and 11:00 a.m. If they are scheduled for a trial it will take place in the assigned Courtroom at the assigned time on all notices.

DEFENDANTS RELEASE FROM CUSTODY

You have the right to be informed, upon request, when the convicted person is released from custody or has escaped. If you would like to invoke this right, please contact the jail facility where the defendant is being held.

Mesa City Holding Facility (480) 644-2211
Maricopa County Jail Facility (602) 876-8276

What You Need When Preparing to Leave

Identification

- Driver's License
- Children's Birth Certificates
- Your Birth Certificate
- Social Security Cards
- Welfare Identification
- Medical Insurance Cards
- Abuser's SSN and DOB

Money

- Money and/or Credit Cards
- ATM Card
- Savings Books
- Checkbook

Legal Documents

- Lease, Rental Agreement, or Deed to House/ Properties
- Car Registration & Insurance Papers
- Health and Life Insurance Papers
- Medical Records for You and Your Children
- School and Shot Records
- Work Permits/Green Card or Visa Passport
- Divorce Papers
- Custody Papers

Other Things

- Keys to House, Car and Safety Deposit Boxes
- Medications for You and Your Children
- Small Objects to Sell
- Jewelry
- Address Book
- Phone Card
- Pictures of You, Your Children and Your Abuser
- Children's Small Toys
- Toiletries/Diapers
- Clothing



Things To Do

- Open a savings account in your own name
- Get your own post office box so that you can receive mail and checks
- Plan who to stay with or whom would be able to lend you money during a crisis
- Contact the hotline or any shelter for help in safety planning and keep the hotline number with you at all times

IN AN EMERGENCY - CALL 911 IMMEDIATELY

- Go to an emergency room if you need medical help
- Take pictures of bruises and injuries

*Information provided by:
Maricopa Association of Governments*

Domestic Violence Safety Plan

Safety at Home

When Abuser is There

- Stay out of rooms with no exit
- Avoid rooms that may have weapons
- Select a code word that alerts friends and children to call police
- Leave suitcase and checklist items with a friend

When Abuser has Moved Out

- Obtain an Order of Protection
- Change locks on doors and windows
- Insert a peephole in the door
- Screen calls and block caller ID
- Install/increase outside lighting
- Consider getting a dog
- Inform landlord or neighbor of situation and ask that police be called if abuser is seen around the house



Safety at Work

What to Do

- Tell your employer
- Give security a photo of abuser and a copy of the Order of Protection
- Screen your calls
- Have an escort to your car or bus
- Alter your route home
- Consider a cell phone for your car
- Carry a noisemaker or personal alarm

Protecting Your Children

- Plan and rehearse an escape route with your children
- If it is safe, teach them a code word to call 911, and how to use a public telephone
- Let school personnel know to whom children can be released
- Give school personnel a photo of abuser
- Warn school personnel not to divulge your address and phone number

Getting an Order of Protection

- Call the Police to get an immediate Order of Protection
- Call (602) 506-SELF (7353) to learn about an Order of Protection and Injunction Against Harassment
- Keep your Order with you at ALL times, and give copies to family, friends, schools, employers and babysitters

(continued on next page)

Important Resource Information

EMERGENCY ASSISTANCE:

Mesa Police Department (non-emergency):

Mesa City Prosecutor's Office:

Victim Services:

Mesa Center Against Family Violence:

Maricopa County Attorney's Office:

Victim/Witness Bureau:

Maricopa County Jail Information Center:

www.mcso.org

911

480-644-2211

480-644-2210

480-644-2188

480-644-4075

602-506-2640

602-506-2488

602-876-0322

COURT INFORMATION:

Mesa Municipal Court:

www.mesaaz.gov/court/

Maricopa County Superior Court (SE Facility):

East Mesa Justice Court:

North Mesa Justice Court:

San Tan Justice Center:

West Mesa Justice Court:

480-644-2255

602-506-2020

480-985-0188

480-926-9731

602-372-3400

480-964-2958

SOCIAL SERVICES/HOTLINES:

Arizona Child Abuse Hotline:

Arizona Coalition Against Domestic Violence:

CONTACTS Shelter Hotline:

EMPACT (Suicide Crisis Hotline):

MADD (Mothers Against Drunk Driving):

www.az.state@madd.org

Magellan of Arizona:

Maricopa Crisis Line:

Mesa Community Action Network (CAN):

Mesa Family Connection:

National Domestic Violence Hotline:

Senior Help Line (Area on Aging):

888-767-2445

602-279-2900

800-799-7739

480-784-1500

877-MADD-HELP

800-564-5465

800-631-1314

480-833-9200

480-777-1168

800-799-7233

602-264-4357

LEGAL ASSISTANCE:

Community Legal Services:

Family Lawyers Assistance Project:

Lawyer Referral Service:

AZ Voice for Crime Victims:

www.voiceforvictims.org

480-833-1442

602-506-7948

602-257-4434

602-600-2661

CRIME VICTIMS RESOURCE INFORMATION:

www.azdps.gov/services/crime_victims/

www.azag.gov/victims_rights/

www.ncvc.org

www.azcadv.org

What is Domestic Violence?

Domestic Violence is a crime and is defined under the law “as certain criminal acts involving parties that have either one or more of the following relationships: lived together now or in the past, have a child in common or are expecting a child, marriage, former marriage, parent, grandparent, child, sister, brother, grandchild, parent-in-law, grand parent-in-law, stepchild, step grandchild, brother-in-law, sister-in-law, romantic or sexual relationship, adopted, step-parent, step-grandparent, and court ordered relationships.” A.R.S. § 13-3601

Domestic Violence usually occurs in cycles. The typical incident begins with tension-building (often described as a “walking on eggshells” feeling), followed by some form of abuse (physical, emotional/psychological, sexual or a combination of these). The abuser’s anger becomes unreasonable and out of control. Often, after a violent incident, the abuser apologizes and tries to make up; everyone involved **wants to believe** the abuse is over for good. This is the “honeymoon” phase. Unfortunately, **statistics show that violence will continue and increase** in severity if the abuser does not receive treatment.

The State has the responsibility for determining whether or not to proceed with a case.

Domestic Violence Intervention Program (DVIP)

The City of Mesa offers a **Domestic Violence Intervention Program (DVIP)** for some domestic violence cases. The purpose of this program is to educate the abuser and to stop the abusive behavior. The defendant’s case will be reviewed for eligibility, and if eligible, the defendant would be required to complete a counseling program. The pending charges would then be dismissed. If the defendant fails to complete this program, the agreed upon sentence will be imposed.



Orders of Protection / Injunctions Prohibiting Harassment

Domestic violence victims may seek a protective order from the Court to prohibit an abuser from contacting the victim in person, by phone, in writing, etc., or from returning to the victim’s residence or place of employment.

Emergency Orders of Protection can be obtained through the Mesa Police Department when the Courts are closed; however, the Order expires at 5:00 p.m. the next business day so you must file for a regular Order as soon as the Courts open.

The defendant is entitled to request a hearing on the Protective Order, which is to be held within 10 days of the request. If exclusive use of the home is included in the Order of Protection, then the hearing will be held within five days of the request. If you fail to appear at the hearing, your Protective Order may be dismissed by the Judge, and therefore, will no longer be in effect.

The Petition for Protective Order is available at the Mesa Municipal Court between the hours of 7:00 a.m. and 5:30 p.m., Monday through Thursday.

Petitions are also available online at:

www.mesaaz.gov/court/protectionorders.aspx

If there is a dissolution of marriage, legal separation, and/or child custody matter pending, you will need to file for an Order of Protection in the Superior Court. Please call 602-506-SELF or visit the Superior Court website:

www.superiorcourt.maricopa.gov/

Victims that are not under the domestic violence definition may seek a protective order called an Injunction Prohibiting Harassment.

There is no fee to file the petitions; however, there may be a fee to serve an Injunction Prohibiting Harassment. You may ask the Judge to waive service fees. Orders of Protection are served at no charge by local law enforcement, and are valid one year from the date of service.